

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PDC 04-016, Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of one lot to six (6) single-family detached residences on a 0.73 gross acre site, between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road; (Calandev, LLC, Owner/ Anderson Architects Inc., Developer).

Council District: 5

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

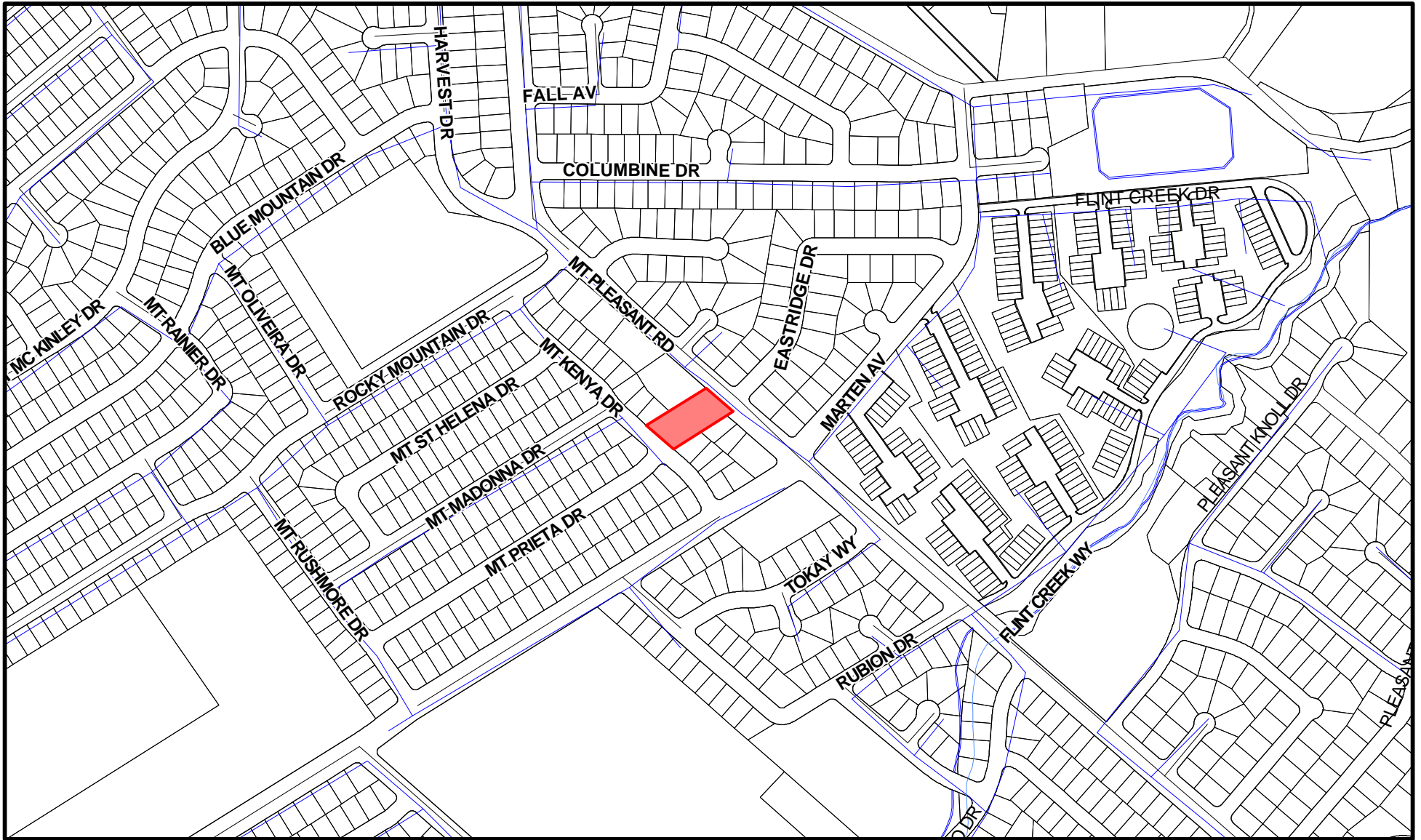
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **Wednesday, October 27, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **Thursday, October 8, 2004** and ends on **October 27, 2004**.

A public hearing on the project described above is tentatively scheduled for **Wednesday, October 27, 2004 at 6:00 PM** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Hillview Branch Library 2255 Ocala Ave, San José, CA 95110 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Mike Mena** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 8, 2004

Deputy



Scale: 1"=500'



File No: PDC04-016

District: 5

Quad No: 69

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Mount Pleasant Development

PROJECT FILE NUMBER: PDC04-016

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of one lot to six (6) single-family detached residences on a 0.73 gross acre site,

PROJECT LOCATION & ASSESSORS PARCEL NO.: Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road); (APN 647-24-044).

COUNCIL DISTRICT: 5

NAME OF APPLICANT: Kurt B. Anderson, AIA

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

1221 Saratoga-Sunnyvale Road, Suite D, Saratoga CA 95070; (408) 446-1269

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AIR QUALITY:

1. The following construction practices shall be implemented during all phases of construction for the proposed project.
 - Water all active construction areas at least twice daily or as often as needed to control dust emissions.
 - Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
 - Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL:

2. All non-orchard trees that are to be removed shall be replaced at the following ratios:
 - Each tree less than 12" in diameter to be removed = one 15 gallon tree
 - Each tree 12" to 18" diameter to be removed = two 24" box trees
 - Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees
3. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City's Environmental Principal Planner.
 - A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

4. The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:
- Pre-construction treatments
 - 1) The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 - 2) Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 - 3) Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
 - During construction
 - 1) No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
 - 2) Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
 - 3) Supplemental irrigation shall be applied as determined by the consulting arborist.
 - 4) If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
 - 5) No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
 - 6) Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
 - 7) As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

HYDROLOGY/WATER QUALITY:

5. The project shall include the below mitigation:
- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
 - During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
 - During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
 - During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
 - During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.

- All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.
- The proposed project shall implement post construction
- At the Planned Development Permit stage the project shall be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.
- Prior to obtaining building permits the project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

NOISE:

6. Temporary Construction: The following measures have been included to reduce potential construction related noise impacts.
 - Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of residential uses.
 - The contractor will be required to use “new technology” power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

TRANSPORTATION/TRAFFIC:

7. The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, the subject project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvements in the Evergreen Area.
 - Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
 - King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road and Tully Road. This improvement will require installation of traffic cameras, video conduit, cables and electrical work.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 27, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the

Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 8, 2004

Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

Planning Commission Hearing
Wednesday, October 27, 2004

6:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

City Council Hearing
Tuesday, November 09, 2004

7:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

The project being considered is:

PDC04-016. Planned Development Rezoning from R-1-8 District to A(PD) District to allow construction of six Single Family Detached Residences on a 0.73 gross acre site, located between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road) (Norman C, Robbins, Calandev, Llc, Owner/ Developer). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

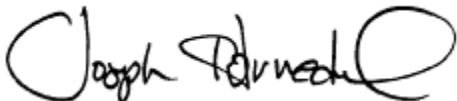
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, CA 95110
(408) 277-4576

www.ci-san-jose.ca.us/planning/sjplan/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Michael Mena**, at the e-mail address: michael.mena@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,
Deputy Director, Plan Implementation Division
Dated: **October 06, 2004**

Lee Price, CMC
City Clerk

Noticing Radius: **1000 ft**

SECTION 20.120.400 OF THE SAN JOSE MUNICIPAL CODE
ESTABLISHES A FORMAL PROTEST PROCEDURE FOR REZONINGS
AND PREZONINGS BEFORE THE CITY COUNCIL

If you are the owner of property to be rezoned, or if you own property adjacent to or across the street from a proposed rezoning or prezonning, you may file an Official Protest. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement **by 5:00 p.m.** on the fifth day before the City Council opens its public hearing on the proposal (that is, the Thursday before a Tuesday hearing). A separate protest petition shall be filed for each separate protesting site. Contact the Department of Planning, Building and Code Enforcement if you have any questions.